

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

GERMAIN DIDIER NDONGO, : CIVIL ACTION NO. 1:01-0239

Plaintiff : (RAMBO, J.)

v. : (MANNION, M.J.)

LSCI-ALLENWOOD, et al., :

Defendants :

FILED
WILKES BARRE

APR - 3 2001

MARY E. D'ANDREA, CLERK
Per *[Signature]* DEPUTY CLERK

O R D E R

On February 6, 2001, the plaintiff filed the instant action, in which he seeks to recover damages for an injury allegedly suffered while he was confined at the Low Security Correctional Institution at Allenwood, ("LSCI-Allenwood"), White Deer, Pennsylvania. (Doc. No. 1).

It appearing that the plaintiff was no longer incarcerated at the above facility, by order dated March 12, 2001, the court directed that the clerk serve the plaintiff with the appropriate application to proceed in forma pauperis. In addition, the plaintiff was directed to either complete and return the application, or submit the proper filing fee. (Doc. No. 8).

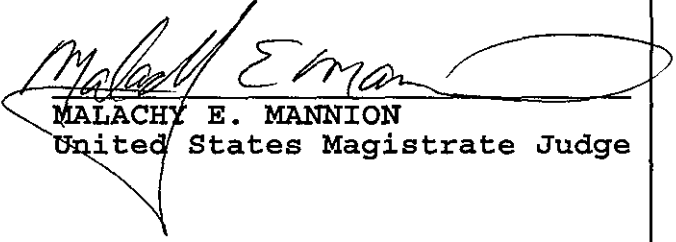
On March 27, 2001, the plaintiff submitted the application to proceed in forma pauperis. However, he failed to complete the section of the application inquiring as to whether he is presently employed, and if so, the amount of salary or wages he receives per month. In the event that the plaintiff is not employed, he also failed to indicate on the form the date of his last employment and the amount of salary or wages he received per month from that employment.

In addition, while the clerk's office designated this action

as one being filed pursuant to 28 U.S.C. § 1331, the plaintiff has attached to his materials a completed Standard Form 95, indicating that he may have been intending to file this action pursuant to the Federal Tort Claims Act, ("FTCA"), 28 U.S.C. § 2671, et seq.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) the plaintiff is directed to inform the court as to whether he is currently employed, and if so, the amount of salary/wages he receives per month from employment;
- (2) if the plaintiff is not presently employed, he is directed to inform the court of the date(s) of his last employment and the salary/wages received per month from that employment;
- (3) the plaintiff is directed to inform the court as to whether he intended to bring this action pursuant to 28 U.S.C. § 1331, as designated by the clerk's office, or whether he intended to file the action as one pursuant to the Federal Tort Claims Act; and
- (4) the plaintiff shall have twenty (20) days from the date of this court's order to file the above information with the court.


MALACHY E. MANNION
United States Magistrate Judge

Date: April 3, 2001

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

April 3, 2001

Re: 1:01-cv-00239 Ndongo v. FCI, LSCI Allenwood

True and correct copies of the attached were mailed by the clerk
to the following:

Germain Didier Ndongo
801 Eastern Avenue
Capitol Heights, MD 20743

cc:		
Judge	()	() Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk

Probation	()
U.S. Attorney	()
Atty. for Deft.	()
Defendant	()
Warden	()

Bureau of Prisons	()
Ct Reporter	()
Ctroom Deputy	()
Orig-Security	()
Federal Public Defender	()

Summons Issued	()	with N/C attached to complt. and served by:
		U.S. Marshal () Pltff's Attorney ()

Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail
		to: US Atty Gen () PA Atty Gen ()
		DA of County () Respondents ()

Bankruptcy Court	()
Other	()

MARY E. D'ANDREA, Clerk

DATE: _____

BY: _____
Deputy Clerk